

NATIONAL INSTITUTIONS' STATEMENT TO THE WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Adopted in Durban, South Africa, 1 September 2001

National human rights institutions and other relevant specialised institutions created by law for the promotion and protection of human rights express their deep appreciation to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance for the invitation to participate in its deliberations.

We thank the Government of South Africa for hosting this conference and acknowledge and draw inspiration from the heroic struggle of the people of South Africa against the institutionalised and racist system of apartheid. We express our deep appreciation to the South African Human Rights Commission for holding a successful pre-conference meeting of national human rights institutions and other relevant specialised institutions.

We acknowledge that throughout human history, various forms of racism, racial discrimination, xenophobia and related intolerance have created millions of victims. We recognise that such discrimination can be overt or covert, direct or indirect and that institutionalised or systemic racism and related intolerance continue in spite of our efforts to eradicate them. At the same time, we must be careful to ensure that we identify and address all new manifestations of racism, racial discrimination, xenophobia and related intolerance. Of particular concern are situations which risk escalating into genocide, ethnic cleansing and/or armed conflict and national institutions have a particular role to play in providing early warning of the dangers in this regard.

We call for the elaboration of strategies, policies and programs for persons and groups subject to multiple discrimination or whose experience with racism, racial discrimination, xenophobia and related intolerance is compounded and/or aggravated by other forms of discrimination, including discrimination on the grounds of gender or other status. We will work to integrate a gender perspective in our work to address racism, racial discrimination, xenophobia or related intolerance.

We call on the international community, regional organisations, the United Nations, its human rights treaty bodies, special mechanisms and other institutions also to act in a manner consistent with international standards relative to racism, racial discrimination, xenophobia and related intolerance.

We recognise that in order to effectively combat racism and related intolerance, political will of states is indispensable and that states have the primary responsibility to adopt and rigorously implement adequate criminal, civil and administrative measures to condemn racist acts, prohibit discrimination and provide victims with effective recourses. We also stress the vital importance of national institutions and other relevant specialised institutions in combating racism, racial discrimination, xenophobia and related intolerance.

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Therefore, national human rights institutions and other relevant specialised institutions created by law for the promotion and protection of human rights:

1. call on states where national institutions do not yet exist to establish, without delay, national institutions consistent with the Paris Principles annexed to General Assembly resolution 48/134, relevant resolutions of the Commission on Human Rights and the Declaration and Programme of Action of the World Conference on Human Rights (Vienna, 1993). National institutions also call on States to include the struggle against racism, racial discrimination, xenophobia, and related intolerance in the mandates of national institutions and to provide them with adequate human and financial resources. National institutions will support the creation of new institutions, which fulfil the conditions of the Paris Principles.
2. will work to ensure that their respective governments ratify international human rights treaties without reservations contrary to the object and purpose of the treaty, remove those existing reservations and fully implement international human rights treaties, in particular treaties relating to racism, racial discrimination, xenophobia, and related intolerance. National institutions shall act as a channel between action at the international level - through international treaty bodies, particularly the CERD, the special procedures, human rights resolutions and other mechanisms - and action at the national level to combat racism. National institutions are encouraged to work closely with international treaty bodies and special mechanisms in the implementation of their mandates.
3. will work to ensure the promulgation, reform and strengthening of national legislation and the adoption and implementation of public policies and programmes and will monitor their implementation and evaluate their consistency with international obligations relative to racism, racial discrimination, xenophobia and related intolerance.
4. will work to enhance co-operation with the Office of the High Commissioner for Human Rights, relevant United Nations treaty bodies, as well as with the specialised agencies of the United Nations and relevant regional organisations, in order to enhance co-operation on racism, racial discrimination, xenophobia and related intolerance amongst the human rights mechanisms, better integrate anti-racism strategies and policies throughout the United Nations system, and ensure an efficient follow-up process to the Declaration and the Programme of Action of the World Conference with the full participation of national institutions. National institutions urge their respective governments to provide adequate human and financial resources to the national institutions work of the Office of the High Commissioner for Human Rights.
5. will work to encourage their respective governments to develop, through consultation and co-operation with national institutions, national human rights plans of action, including those addressing racism, and will monitor their implementation.

6. will work with civil society, including NGOs, and, in particular, with groups and individuals who have experienced or continue to experience discrimination or threats of discrimination, when developing policies and programmes to ensure their perspectives are reflected. National institutions will also act to protect human rights defenders.
7. will pay special attention to preventing racism and work with the appropriate institutions to ensure that educational authorities and other relevant institutions integrate human rights, anti-racism, tolerance, diversity and respect for others into their work and institutions.

In the context of the United Nations Decade for Human Rights Education, national human rights institutions will work to ensure that the struggle against racism is integrated into any national plan of action on education or human rights training. Particular attention will be paid to the development of multi-disciplinary programmes, educational manuals, curricula or public campaigns (days or seminars) through schools, training institutes or social, cultural or sports clubs, aimed at raising awareness among children and youth.

8. will denounce, actively discourage, investigate and, where possible, adjudicate the transmission of racist and xenophobic hate speech inconsistent with international standards of freedom of opinion and expression, wherever they occur, including through all media - whether traditional or new communications technologies such as the Internet.
9. will work with media, including journalists, to ensure the development and implementation of public information campaigns in plain and accessible language, enhance diversity of ownership, encourage the media to avoid 'ethnic profiling' or the stereotyping of any group, whether an ethnic, racial, national, cultural religious or linguistic group and to stress the value of cultural diversity and a gender perspective.
10. urge all States to ensure that effective remedies are made available - whether by national human rights institutions, the judiciary or other parts of the system for the administration of justice - in every case where discrimination, harassment, violence, incitement to hatred or other hate speech based on race or related forms of intolerance is established to have occurred. Criminal penalties should also be attached to offences of racist violence and incitement to racial hatred.
11. will consider or provide, where appropriate, effective alternate dispute resolution in seeking remedies for racial and other forms of discrimination and will work to ensure that legal and any other type of assistance required is provided to victims.
12. should have the capacity to conduct public inquiries and submit to legislatures and other competent bodies' reports and recommendations.
13. will exchange information and best practices in order to enhance the work of each national institution in implementing civil, cultural, economic, political or social rights and in areas of education, health, disability, employment, training, access to legal recourse, access to land, poverty alleviation, *inter alia*, as they relate to racism, racial discrimination, xenophobia, or related intolerance.

14. The International Co-ordinating Committee (ICC) of national human rights institutions will ensure that the agendas of international and regional meetings of national institutions include racism, racial discrimination, xenophobia and related intolerance. National institutions will provide to the ICC information on measures they have taken to address racism, including analyses of best practices. The ICC, working in close co-operation with the Office of the High Commissioner for Human Rights, will consider developing guidelines against racism for national institutions, and will work to enhance co-operation and exchange of information among national institutions. National institutions will provide analytical reports, at their International Conference in 2002 and forthcoming regional meetings, with a view to developing such guidelines.
15. National human rights institutions and other relevant specialised institutions created by law for the promotion and protection of human rights urge the United Nations to ensure the widest possible distribution of this statement of national human rights institutions and other relevant specialised institutions created by law for the promotion and protection of human rights.